

**EIGHTH DAY - NOVEMBER 19, 2002****LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE  
THIRD SPECIAL SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, November 19, 2002

**PRAYER**

The prayer was offered by Senator Johnson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Dierks, Robak, and Schimek who were excused; and Senators Landis, Price, and Wehrbein who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventh day was approved.

**STANDING COMMITTEE REPORT  
Judiciary**

**LEGISLATIVE BILL 2.** Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1.** Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1133

Amend AM9013

Strike section 7.

Senators Beutler and Cunningham asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers withdrew his amendment.

**ANNOUNCEMENT**

The Chair announced today is Senator Jones' birthday.

**GENERAL FILE**

**LEGISLATIVE BILL 1.** Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1134

Amend AM9013

Strike section 8.

**SENATOR CUDABACK PRESIDING**

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1135

Amend AM9013

Strike section 9.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1136

Amend AM9013

Strike section 10.

**SPEAKER BROMM PRESIDING**

Senators Erdman, Foley, Jensen, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1137

Amend AM9013

Strike section 11.

Senator Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

### **ANNOUNCEMENT**

Senator Dw. Pedersen announced the Committee on Committees will meet today, at 1:15 p.m., in Room 2022.

### **STANDING COMMITTEE REPORT** **General Affairs**

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

State Electrical Board  
George M. Morrissey

VOTE: Aye: Senators Burling, Cunningham, Erdman, Janssen, Johnson, McDonald, and Redfield. Nay: None. Absent: Senator Synowiecki.

(Signed) Ray Janssen, Chairperson

### **PROPOSED RULES CHANGE**

Senator Baker offered the following proposed rules change:  
Make the following membership changes by district to the Committee on Committees caucuses:

Legislative District 18 from District 3 to District 2

Legislative Districts 16, 23 and 32 from District 3 to District 1

Legislative Districts 22, 33, and 35 from District 1 to District 3

Referred to the Rules Committee.

### **AMENDMENT - Print in Journal**

Senator Coordsen filed the following amendment to LB 3:  
AM9034

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. There is hereby appropriated \$54,906 from
- 4 the General Fund for FY2002-03 to the Legislative Council, for
- 5 Program 122, for expenses incurred during the Ninety-seventh
- 6 Legislature, Third Special Session, 2002.
- 7 Sec. 2. There is hereby appropriated \$44,337 from the
- 8 General Fund for FY2002-03 to the Legislative Council, for Program
- 9 123, for expenses incurred during the Ninety-seventh Legislature,
- 10 Third Special Session, 2002.
- 11 Total expenditures for permanent and temporary salaries
- 12 and per diems from funds appropriated in this section shall not

13 exceed \$10,344 for FY2002-03.

14 Sec. 3. There is hereby appropriated \$3,517 from the  
15 General Fund for FY2002-03 to the Legislative Council, for Program  
16 127, for expenses incurred during the Ninety-seventh Legislature,  
17 Third Special Session, 2002.

18 Total expenditures for permanent and temporary salaries  
19 and per diems from funds appropriated in this section shall not  
20 exceed \$2,200 for FY2002-03.

21 Sec. 4. Since an emergency exists, this act takes effect  
22 when passed and approved according to law."

### **RECESS**

At 11:59 a.m., on a motion by Senator Brashear, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Coordsen, Dierks, Robak, and Schimek who were excused; and Senators Baker, Beutler, Brown, Byars, Foley, Janssen, Landis, D. Pederson, Suttle, and Thompson who were excused until they arrive.

### **NOTICE OF COMMITTEE HEARING**

#### **Rules**

Room 1510

Wednesday, November 20, 2002

12:30 p.m.

Senator Baker's proposed rules change  
Legislative Journal page 65

(Signed) Carol Hudkins, Chairperson

### **GENERAL FILE**

**LEGISLATIVE BILL 1.** Senator Chambers renewed his pending amendment, FA1137, found in this day's Journal, to the Standing Committee amendment.

Senator Chambers withdrew his amendment.

Senator Synowiecki asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1138

Amend AM9013

Strike section 12.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1139

Amend AM9013

Strike section 13.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1140

Amend AM9013

Strike section 14.

Senator Chambers withdrew his amendment.

### **SPEAKER BROMM PRESIDING**

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1141

Amend AM9013

Strike section 15.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Chambers amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1142

Amend AM9013

Strike section 16.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1143

Amend AM9013

Strike section 17.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA1144

Amend AM9013

Strike section 18.

Senator Chambers withdrew his amendment.

Senator Brashear moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

The Standing Committee amendment, AM9013, as amended, was adopted with 38 ayes, 5 nays, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Aguilar	Cudaback	Jensen	Preister	Thompson
Baker	Cunningham	Johnson	Price	Tyson
Bourne	Engel	Jones	Quandahl	Vrtiska
Brashear	Erdman	Kremer	Redfield	Wehrbein
Bromm	Hartnett	Kruse	Schrock	
Brown	Hlava	McDonald	Smith	
Burling	Hudkins	Mossey	Stuhr	
Byars	Janssen	Pederson, D.	Suttle	

Voting in the negative, 7:

Chambers	Foley	Maxwell	Raikes
Connealy	Landis	Pedersen, Dw.	

Excused and not voting, 6:

Beutler	Dierks	Schimek
Coordsen	Robak	Synowiecki

Advanced to E & R for review with 36 ayes, 7 nays, and 6 excused and not voting.

**COMMITTEE ON COMMITTEES PRELIMINARY REPORT**

Senator Dw. Pedersen offered the following preliminary Committee on Committees report:

Senator Mossey has been designated to serve on the Banking, Commerce and Insurance Committee, Natural Resources Committee, and Nebraska Retirement Systems Committee.

**RESOLUTIONS****LEGISLATIVE RESOLUTION 11.** Introduced by Baker, 44.

WHEREAS, the Republican Valley Mustangs Girls' Volleyball team won the 2002 Class D-1 Girls' State High School Volleyball Championship; and

WHEREAS, this is the Republican Valley Mustangs fifth consecutive championship; and

WHEREAS, the members of the team are Jacklynn Stark, Lynette Stitt, Danielle Vontz, Renee Felber, Danelly Walkington, Shelby Haag, Stephanie Shellhase, Hannah Loshbaugh, Erin Meyers, Heather Teel, Blaine Shuler, Cayla Skaritka, Brittany McConville, Chelsea Morgan, Lisa Daffer, Savannah Noyes, Lindsay Vontz, Megan Jacobs, Jeanie Bayliss, Annalicia Chaves, Caitlin Schaffert, Bunny Skaritka, Lindsey Esch, Jamie Coolidge, Lindy Reiners, Julie Fritsche, Danielle Stritt, Brooke Heger, Britni McConville, Ashley Mallek, Kayla Brooks and coaches Jenni McConville, Dennis Troester, and Deanne Ruggles; and

WHEREAS, the team exhibited exemplary dedication, discipline and perseverance throughout the season and especially during the state tournament.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, THIRD SPECIAL SESSION:

1. That the Legislature recognizes and congratulates the Republican Valley Mustangs Girls' Volleyball team and its coaches.

2. That a copy of this resolution be sent to Republican Valley High School.

Laid over.

**LEGISLATIVE RESOLUTION 12.** Introduced by Erdman, 47.

WHEREAS, the Paxton Lady Tigers volleyball team won the Class D-2 Girls' State Volleyball Championship on November 16, 2002; and

WHEREAS, Paxton went undefeated throughout the season, compiling a 25-0 record under Coach Jody Rhodes; and

WHEREAS, the 2002 championship gives Paxton High School its third State Volleyball Championship; and

WHEREAS, Kelsey Perlinger won all class honors, all tournament honors, and Class D-2 all tournament honors, and Jena McFadden won Class D-2 all tournament honors; and

WHEREAS, the Paxton girls' volleyball team represented their community with excellence and sportsmanship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, THIRD SPECIAL SESSION:

1. That the Legislature congratulates the Paxton Lady Tigers volleyball team on their successful season.

2. That a copy of this resolution be sent to the team and Coach Jody Rhodes.

Laid over.

### **VISITORS**

Visitors to the Chamber were FCLA Members Melynda Adams and Ben Keele from the University of Nebraska at Lincoln.

### **MOTION - Adjournment**

Senator Vrtiska moved to adjourn until 9:00 a.m., Wednesday, November 20, 2002.

Senator Chambers requested a roll call vote on the motion to adjourn.

The Vrtiska motion to adjourn prevailed with 42 ayes, 1 nay, and 6 excused and not voting, and at 3:40 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, November 20, 2002.

Patrick J. O'Donnell  
Clerk of the Legislature